

Employees with Disabilities Policies

It is Carbon County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Additionally, the Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Carbon County to comply with all Federal, state, and local laws concerning the employment of persons with disabilities.

Guidelines

1. Carbon County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.
2. An individual who can be reasonably accommodated for the job in question, without undue hardship, will be given the same consideration for that position as any other employee or applicant.
3. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.
4. The Personnel Officer is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

Definitions

In implementing this policy, Carbon County will be guided by the current definitions stated in the federal statutes and regulations or in case law construing the statutes and regulation, and applicable state and local law. In the event of any conflict between the definitions in the ADA and the definitions in this policy, the legal definitions found in the ADA will control. The following discussion is provided for general guidance of employees and applicants in understanding the policy.

- "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual." An individual may also be deemed "disabled" if that person is *regarded as* having such an impairment. However, in the "regarded as" instance, the situation is more complicated. Under amendments to the ADA in

2008, if the condition is transitory and minor, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability.

- “Major life activity” may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.
- “Direct threat to safety” refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
- A “qualified individual with a disability” refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
- “Reasonable accommodation” refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
- “Undue hardship” refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the Company; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire Company; and (8) the relationship of the particular facility to the Company. These are not all of the factors but merely examples.
- “Essential job functions” refers to those activities of a job that are the core to performing the job in question.